

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 07/11/2008 have been fully considered but they are not persuasive. Applicant argues in the Remarks made on page 5 of the Amendment that the reference used in the previous office action fails to illustrate or describe a clamping area as recited in the claims. As pointed out in the previous action, though Park doesn't use those specific terms, he clearly teaches a clamping area around the center hole (the non-recording surface portion 11, col 4 lines 58-65).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2, 4, 6-10, 12, 14 and 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Park US 6,532,210 (Park hereinafter).

Regarding claim 4, Park teaches an optical disc (see Fig. 4A), for information recording and/or reproduction using light, having a center hole (10a, Fig. 4A), the disc is divided into a clamping area adjacent to the center hole (11, Fig), a data area in which data is recorded (13, Fig. 4A), and a lead-in area between the clamping area and the data area (an inherent feature of recording surface portion 13), the optical disc

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comprising: at least one sheet is attached to the clamping area to prevent generation and development of cracks near the center hole (the taping member 17 not only hinders a crack generated in the inner circumference of the center hole 10a from advancing to the outer side of the disc-type recording medium, but also prevents shearing and breakage, col 5 line 3-7), the clamping area being recessed such that a surface of the sheet attached to the clamping area is level with or lower than a surface of the lead-in area (see Fig. 4B).

Regarding claim 2, Park teaches the optical disc of claim 4, wherein the sheet has an annular shape (a plurality of annular taping members 17 can be disposed around the center hole 10a, col 5 line 1-2).

Regarding claim 6, Park teaches the optical disc of claim 4, wherein the sheet is of paper or other frictional flexible materials (fiber material having stability against shearing or breakage, col 4 line 60-65).

Regarding claim 7, Park teaches the optical disc of claim 4, wherein the sheet is attached to the clamping area using an adhesive or a double-sided tape (the annular taping member may be adhered on the non-recording surface portion by an adhesive like bond, col 4 lines 65-67).

Regarding claim 8, Park teaches the optical disc of claim 4, wherein the clamping area is recessed by a depth equal to or greater than a thickness of the sheet (see Fig. 4B).

Regarding claim 9, Park teaches the optical disc of claim 4, wherein the sheet does not protrude above a top surface of the optical disc (see fig 4B).

Regarding claim 10, Park teaches the optical disc of claim 8, wherein the sheet does not protrude above a top surface of the optical disc (see fig 4B).

Regarding claim 14, Park teaches an optical disc (see Fig. 4A) having a center hole (10a), the disc is divided into a clamping area corresponding to an area that is clamped by a clamping structure included in an optical disc drive and adjacent to the center hole (11, Fig 4A), a data area in which data is recorded (13, Fig. 4A), and a lead-in area between the clamping area and the data area (an inherent feature of recording surface portion 13), the optical disc comprising: a material attached to a surface of the clamping area of the optical disc to prevent generation and development of cracks near the center hole (the taping member 17 not only hinders a crack generated in the inner circumference of the center hole 10a from advancing to the outer side of the disc-type recording medium, but also prevents shearing and breakage, col 5 line 3-7), the surface of the clamping area being recessed such that a surface of the sheet is level with or lower than a surface of the lead-in area (see Fig 4B).

Regarding claim 12, Park teaches the optical disc of claim 14, wherein the material has an annular shape (a plurality of annular taping members 17 can be disposed around the center hole 10a, col 5 line 1-2).

Regarding claim 16, Park teaches the optical disc of claim 14, wherein the material is paper or other frictional flexible materials (fiber material having stability against shearing or breakage, col 4 line 60-65).

Regarding claim 17, Park teaches the optical disc of claim 16, wherein the material is attached to the surrounding the center hole using an adhesive or a double-sided tape (the annular taping member may be adhered on the non-recording surface portion by an adhesive like bond, col 4 line 65-67).

Regarding claim 18, Park teaches the optical disc of claim 16, wherein the clamping area is recessed by a depth equal to or greater than a thickness of the material (see Fig. 4B).

Regarding claim 19, Park teaches the optical disc of claim 14, wherein the material does not protrude above a top surface of the optical disc (see fig 4B).

Regarding claim 20, Park teaches the optical disc of claim 18, wherein the material does not protrude above a top surface of the optical disc (see fig 4B).

Regarding claim 21, Park teaches an optical disc (10, Fig. 4A) having a center hole (10a), a clamping area adjacent to the center hole (11), a data area in which data is recorded and a lead-in area between the clamping area and the data area(13), the optical disc comprising: at least one paper-like sheet attached to the clamping area and surrounding the center hole to prevent generation and development of cracks in the optical disc (the taping member 17 is preferably made of a material different from the non-recording surface portion 11, such as a fiber material having stability against

shearing or breakage, col 4 line 61-64) the clamping area being recessed such that a surface of the paper-like sheet attached to the clamping area is level with or lower than a surface of the lead in area (see Fig. 4B).

Regarding claim 22, Park teaches the optical disc of claim 21, wherein the paper-like sheet is made of paper (the taping member 17 is preferably made of a material different from the non-recording surface portion 11, such as a fiber material having stability against shearing or breakage, col 4 line 61-64).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Arakawa et al. US 2003/0091781 A1 (Arakawa hereinafter).

Regarding claim 23, Park teaches the optical disc of claim 21, wherein the paper-like sheet which protrudes above the clamping area, but it doesn't explicitly teaches the height of the paper-like sheet which protrudes above the clamping area including a thickness of an adhesive applied thereto, may be no greater than 0.3mm. However, it is obvious for one skilled in the art that a disc with thickness of the standard 1.2mm should not have a clamp area with depth greater than 0.3mm. Arakawa also teaches adhesive layer to form the light transmitting protection layer (coating layer) of 0.1 mm thickness

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(see Arakawa para [0021]). The thickness of the crack hindering article, which is the annular sheet adhered in the recessed area in order to prevent generation and development of cracks near the center hole, does not have a patentable weight as Park has described although the preferred embodiments of the present invention have been described, it is understood that his invention should not be limited to the specified preferred embodiments but various changes and modifications can be made by one skilled in the art within the spirit and scope of his claimed invention (see col 6 line 14-20).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Contact**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENOK G. HEYI whose telephone number is (571)270-1816. The examiner can normally be reached on Monday to Friday 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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